

Four County Family Court Program:
Bartholomew, Brown, Lawrence and Jackson

Project Judicial Officer for each County:

Bartholomew, Judge Stephen Heimann, Referee Heather Mollo

Brown, Judge Judith Stewart

Jackson, Judge Bruce MacTavish

Lawrence, Judge Michael Robbins, Judge Andrea McCord

Project Implementation: January 2004

Personnel:

Pat McSoley, a lawyer and registered mediator, and his wife, Paige, serve as the family court mediator and administrator for all four counties. The McSoley's entered into a memorandum of understanding with the judges of all four counties, to provide mediation services at an hourly rate, and to provide administrative responsibilities (including statistics and grant maintenance) of the project at a set dollar amount per year.

Funding:

Family Court Funding

The facilitation program for CHINS cases is funded by Family Court grant money and a partial grant from DCS. Facilitation services provided to the ATTEND program in Bartholomew County are funded by a grant from the Bartholomew County School Corporation.

ADR Funding

Mediation services in Paternity and Dissolution of Marriage cases are funded with the \$20 filing fee pursuant to the ADR Plan Statutes, and co-pays charged to the participants based upon a sliding fee scale and the level of services required.

Family Court Programming:

ADR in Divorce and Paternity Cases

This program was designed to provide affordable mediation services to low income and pro se parties in divorce and paternity cases. It significantly expedites pro se cases by helping parties to reach their own agreements and completing all necessary documentation needed for agreed settlements and divorce orders. The use of the same mediator in all of the counties insures consistent procedures and streamlines the process for the courts.

The Family Court mediator and administrator are scheduled once a month in each county to conduct an Intake Conference with families referred by the court. The purpose of the Intake Conference is to give the participants information about all of the services provided and the procedures involve. The intake process begins by meeting together in the courtroom with all the referred parties. Mr. McSoley explains the benefits of mediation, gives an overview of the process, and distributes copies of the Indiana parenting time guidelines. He then meets individually with each family. He asks basic questions regarding home address, children, employment, assets and pending court cases. He determines if the parties already have an agreement and need assistance creating the legal documents, or whether they have contested issues that require mediation. If they are in agreement, Mr. McSoley schedules them for a brief session to assist them with document preparation. When there are contested issues, a formal mediation session is scheduled.

CHINS Facilitation

The CHINS facilitation programming involves the use of facilitation meetings at the pre-judgment stage in every CHINS case. Parents, attorneys, government and other service providers meet outside of the courtroom with a the mediator who encourages the parties to clarify the issues, disclose relevant information, increase levels of communication and to reach agreements on allegations and services. In this model, facilitation is a standardized

process for all CHINS cases. Facilitation promotes greater information sharing between parties and providers, increases parental involvement in the reunification process and enables more rapid service delivery for the family. It avoids the delay of preparing for and adjudicating a contested fact finding hearing. Whenever an agreement is reached, the parties report the terms of the agreement immediately to the Court. The Court then approves the agreement and issues Orders accordingly.

A facilitation meeting can also be ordered at any stage of the proceedings, including permanency planning, whenever the Judge believes that a meeting outside of the courtroom with a “neutral” can assist the parties.

Truancy Facilitation

Bartholomew County uses a Truancy Facilitation program. The Family Court mediator facilitates a conference with the parents, school officials and the ATTEND program coordinator to identify why the child has been absent from school and to resolve the problems causing the truancy. These conferences reduce tension between school personnel and parents and motivate the family to take concrete steps to insure the child's school attendance. If a family is in need of services, those services are identified and referrals made at the meeting. Any agreement reached is reduced to writing, signed by the parties and submitted to the Court for approval. The parties then report the progress to the Court within three months.